

Dong-Gyu KIM, *et al.*
Application No.: 09/558,647

REMARKS

By this amendment, claims 32, 46, 49 and 64 have been amended. Claims 1-12, 29, 30, 32-36, 38-46, 48, 49, 64, 65 and 67-70 are currently pending in the application, of which claims 1, 29, 34, 38, 46 and 64 are independent claims.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Allowable Subject Matter

Applicants appreciate the indication that claims 1-12, 34 and 38-45 are allowed.

Telephone Contact

Applicants appreciate that the Examiner contacted Applicants to notify that there were informalities in listing the withdrawn claims. In this revised response, the errors in listing the withdrawn claims have been corrected as pointed out by the Examiner.

Corrections

The present application was originally filed with claims 1-63. In response to the restriction requirement issued on August 27, 2001, claims 1-12 and 29-49 were elected, and claims 13-28 and 50-63 were withdrawn from consideration.

In the first Amendment filed on April 17, 2002, claims 64-74 were newly added, and claims 1-12, 29-49 and 64-74 were active.

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The first Amendment after Final was filed on September 16, 2002 to cancel claim 66 and to add claims 75-80, but was not entered.

The second (Supplementary) Amendment after Final was filed on October 18, 2002, to cancel claims 31, 37, 47, 69 and 71-80, although claims 75-80 had never been entered. Applicants respectfully apologize this mistake. This second Amendment after Final had not been entered also.

Since none of the Amendments after Final was entered, no claims were added or cancelled, and claims 1-12, 29-49 and 64-74 were still active until the Continued Prosecution (CPA) Application was filed on December 19, 2002.

In the Preliminary Amendment filed with the CPA, claims 31, 37, 47, 66 and **71-80** were indicated to be cancelled although claims 75-80 were not active. Applicants apologize for this mistake. With filing the Preliminary Amendment, claims 1-12, 29, 30, 32-36, 38-46, 48, 49, 64, 65 and 67-70 were active.

In the first Amendment (after CPA) filed on April 3, 2003, no claims were cancelled or added. However, in the Remarks, Applicants mistakenly indicated that claims 1-12, 29, 30, 32-36, 38-46, **48-65, 67, 68 and 70** were active, although claims 1-12, 29, 30, 32-36, 38-46, **48, 49, 64, 65 and 67-70** were active.

In the current Office Action, the Examiner stated that claims 1-12, 29, 30, 32-36, 38-46, 49, **59-65** and 67-70 are currently active in this application. However, since no claims were cancelled or added in the latest Amendment, it is submitted that claims 1-12, 29, 30, 32-36, 38-46, 48, 49, **64, 65** and 67-70 are still active in this application. Particularly, **claims 59-63** were withdrawn in response to the restriction requirement and are no longer active in this application. Thus, appropriate correction is respectfully requested.

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Rejections

In the Office Action, claims 59-63 were rejected under 35 U.S.C. §103(a) although claims 59-63 have been withdrawn from further consideration in response to the restriction requirement issued on April 17, 2002. Thus, withdrawal of the rejection on these claims is respectfully requested.

Also, neither objection/rejection was made nor allowability was indicated to claim 30.

Further, claim 33 is dependent from claim 32. In the Office Action, claim 33 has been rejected under 35 U.S.C. §103(a) under 35 U.S.C. §103(a) over U. S. Patent No. 6,557,373 issued to Nakata, et al. ("Nakata") in view of U. S. Patent No. 6,531,392 issued to Song, et al. ("Song"). However, claim 32 has been rejected under 35 U.S.C. §103(a) over Nakata in view of Song and further in view of U. S. Patent No. 6,380,559 issued to ("Park").

It is not understood how a claim can be rejected by three references while its dependent claim is rejected by only two references. Clarification of this issue is respectfully requested in the next Office Action.

Rejections Under 35 U.S.C. §112, first paragraph

Claims 46-49 stand rejected under 35 U.S.C. §112, first paragraph as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicants regards as the invention. Particularly, the Examiner asserted that the expression "photodefinable" in claim 46 is not clear as to what the expression means. Applicants respectfully traverse this rejection for at least the following reasons.

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First, it is submitted that claim 47 has been cancelled previously and is no longer active in this application.

Second, amended independent claim 46 recites “wherein the gate wire or the data wire are formed of a *photosensitive conductive material*”. Regarding the “photosensitive conductive material”, the present application describes “if a photosensitive conductive layer is used, ..., an etch step using the photoresist pattern as an etch mask may be omitted, and the gate wire 22, 24, 26 and 28 may be formed by a photolithography process that includes only exposure and development step. Accordingly, the manufacturing process can be simplified” (specification, page 22, lines 3-9). As recited in dependent claim 49, “An example of a photosensitive conductive layer is an Ag paste photoresist mixture” or “an organic metal layer” such as copper organic metal (specification, page 22, lines 10-17).

It is submitted that, upon this amendment, amended claims 46 and 49 particularly point out and distinctively claim the subject matter which Applicants regards as the invention. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, first paragraph rejection of claims 46, 48 and 39.

Rejections Under 35 U.S.C. §103

Claims 29, 33, 35, 36, 64 and 65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakata in view of Song. Applicants respectfully traverse this rejection for at least the following reasons.

The present application was filed on April 26, 2000, and Nakata was filed on September 27, 2000. The filing date of the present application antedates the filing dates of Nakata. Thus, it is submitted that Nakata does not qualify as prior art under 35 U.S.C. §103(a).

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Song was filed on October 15, 1999 and hence may qualify as prior art under 35 U.S.C. §102(e). However, at the time of the invention was made, subject matter and the claimed invention were owned by or subject to an obligation of assignment to Samsung Electronics Co., Ltd., whom Song was also owned by or subject to an obligation of assignment to.

As specified in 35 U.S.C. §103(c), "Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time of the invention was made, *owned by the same person or subject to an obligation of assignment to the same person*". Thus, it is submitted that Song can not be used as prior art against the present application under 35 U.S.C. §103(a).

As explained above, none of the cited references qualifies as prior art under 35 U.S.C. §103(a). Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 29, 33, 35, 36, 64 and 65.

In the Office Action, claims 31, 32 and 59-62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakata in view of Song, and further in view of Park. Applicants respectfully traverse this rejection for at least the following reasons.

First, it is submitted that claim 31 has been cancelled previously when the Continued Prosecution (CPA) Application was filed on December 19, 2002, and claims 59-62 were withdrawn from further consideration in response to the restriction requirement mailed on April 17, 2002.

Regarding claim 32, as previously mentioned, Nakata and Song do not qualify as prior art under 35 U.S.C. §103(a). The present application was filed on April 26, 2000 and Park was filed

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on June 2, 2002. Hence, the filing date of the present application antedates the filing date of Park, and hence Park also does not qualify as prior art under 35 U.S.C. §103(a).

Since none of the cited references qualifies as prior art under 35 U.S.C. §103(a), Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 32.

In the Office Action, claims 67, 68 and 70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nakata in view of Song, and further in view of U. S. Patent No. 6,137,551 issued to Jeong ("Jeong"). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 67, 68 and 70 are dependent from independent claim 64. Claim 64 is directed to a thin film transistor array panel with "a plurality of color filters formed over the gate insulating layer, the color filter at least partially overlapping the data lines". As previously mentioned, Nakata and Song do not qualify as prior art under 35 U.S.C. §103(a). Jeong does not disclose or suggest the thin film transistor array panel with "a plurality of color filters formed over the gate insulating layer, the color filter at least partially overlapping the data lines", as recited in claim 64.

Thus, claim 64 is patentable over Jeong. Claims 67, 68 and 70 that are dependent from claim 64 would be also patentable at least for the same reason. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 67, 68 and 70.

In the Office Action, claim 69 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nakata in view of Song, and further in view of U. S. Patent No. 5,870,157

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issued to Shimada ("Shimada"). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 69 stems from claim 64, which is directed to a thin film transistor array panel with "a plurality of color filters formed over the gate insulating layer, the color filter at least partially overlapping the data lines". As previously mentioned, Nakata and Song do not qualify as prior art under 35 U.S.C. §103(a). Shimada does not disclose or suggest the thin film transistor array panel with "a plurality of color filters formed over the gate insulating layer, the color filter at least partially overlapping the data lines", as recited in claim 64.

Thus, claim 64 is patentable over Shimada. Claim 69 that is dependent from claim 64 would be also patentable at least for the same reason. Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 64.

Other Matters

In this response, claims 32, 46, 49 and 64 have been amended for clarification purposes only.

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CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that claims 1-12, 29, 30, 32-36, 38-46, 48, 49, 64, 65 and 67-70 are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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Date: October 7, 2003

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